To the Honorable the Judges of the Circuit Court of the United States for the District of Massachusetts.

William Younger, William Younger Junior and Andrew Smith all of Edinburgh, Scotland, in the United Kingdom of Great Britain and Ireland, & Subjects of Queen Victoria, Queen of Great Britain & Ireland, Aliens to the United States of America and each & every of the States & Countries thereof, Brewers Copartners doing business in said Edinburgh under the firm of William Younger & Company, bring this their Bill of Complaint

against

Robert Laird of Boston in said District of Massachusetts, a citizen of the State of Massachusetts.

And thereupon your Orators complain and say that they have been for many years past, & now are Brewers of Ale & other Malt-liquors, at their "Abbey Brewery" so called, in the said City of Edinburgh, which Ale has been & still is of a high degree of purity & excellence, and large quantities thereof are annually exported by your Orators

to the United States & other Countries & there sold by their Agents.

And your Orators further shew that in order to prevent frauds, & adulteration of ale which might be offered for sale as having been made by them, & in order to secure the public against purchasing inferior mixtures called Ale, or "Strong Ale", sold as of their manufacture; and in order also that the ale manufactured by them might be known as such both in England & Scotland, as well as in those countries to which it might be shipped, many years ago adopted the practice, (& have ever continued the same) of putting their ale into bottles of a peculiar form, upon the cork of each of which bottles is branded the following words as their trade mark ~~sign~~ in legible letters viz:

WM YOUNGER & CO.
ABBEY BREWERY
EDINBURGH.

And your Orators aver that they have followed the invariable practice of so branding the corks of their ale bottles for many years past & still continue to do the same.

And your Orators further shew that about two years ago, for the more perfect protect-

ion of the public from counterfeits, and to enable consumers the more perfectly & readily to distinguish their ale from all others, they adopted the practice (which they still continue) of putting onto the outside of each bottle of their genuine ale from the "Abbey Brewery" a trademark printed upon a piece of yellow paper, one of which genuine trademarks or labels they hereto affix viz:

And they also cover the neck & top of each of their said bottles with tin foil.

And your Orators further shew that, also for the above mentioned purpose, they have for many years, & still do pack their said bottles of ale in the following manner viz: in casks containing between seven & eight dozen of pint bottles each, & branded in large & legible characters on the head of each of said casks, the following words viz:

W. YOUNGER.
EDINBURGH

and furthermore attach to the head of each cask & across the same a piece of red tape, by means of a red seal.

And your Orators further show that all the ale made by them at their said "Abbey Brewery" for many years past has been put up in such bottles as above described, labeled & corked in the aforesaid manner, and your Orators have acquired a right to the exclusive use of each & every of the above described marks, as their "Trade marks" for the purpose of designating the ale made by them at the sd. "Abbey Brewery", & also the quality thereof from all others.

And your Orators further show that by reason of the great care and attention bestowed by them upon the ingredients, the compounding & the preparation of the said Ale the same has acquired a deservedly high reputation not only in England & Scotland, but also in the United States, as well for its purity, as for its strength & lasting soundness, And has been & still is extensively recommended by Physicians to those of their patients who are suffering under impaired digestive functions, and by them used as a tonic of great virtue. And their said ale has been for well known

and much sought after by the aforesaid merchants & brands in the market, and bears a very high name & reputation, and the quantity thereof annually sold by your Orators' agents in the United States has been very great, & was increasing up to the time of the injury hereinafter set forth.

And your Orators further show that notwithstanding the Defendant well knew all the aforesaid matters and especially that the said Trademarks were the exclusive property of your Orators, he has been for some time past, but for how long your Orators do not know & are unable to set forth, but pray discovery thereof, and still is engaged in putting up & selling in ~~Boston~~ the District of Massachusetts a species of Ale which your Orators believe to have been manufactured in the United States and are to be of a quality very inferior to the aforesaid Ale made sold by them & their agents; and your Orators further show that the Defendant has been & still is engaged in offering said Ale for sale & selling the same in Boston & elsewhere, in bottles of the size & shape as those used by your Orators having upon each & every one

thereof a yellow label of which the following is a specimen

and having the cork of each of said bottles branded in a manner precisely similar to the corks of the complainants' bottles, with the following words viz:

"Wm YOUNGER & CO.
ABBEY BREWERY
EDINBURGH"

and each of which bottles has its top covered with tin foil after the manner practiced by your Orators.

And your Orators further show that the said Defendant has been & is still offering for sale & selling in Boston and elsewhere, the said bottles containing his Spurious Ale packed in casks of the same size & appearance as those of your Orators upon the heads of which casks

are branded (or burnt) the following words:

"W. YOUNGER
EDINBURGH."

and each cask having a piece of red tape fastened across the head thereof by means of a red seal, thereby wilfully imitating and counterfeiting the casks & the bottles & the preparation thereof, used by your orators in all particulars.

And your orators further show that the said Defendant has sold large quantities of his said Spurious ales & inferior ale in Boston & elsewhere, (but how much your orators do not know, but pray discovery) at the price of one dollar per dozen pint bottles, and also other large quantities thereof at the price of one dollar & a quarter per dozen, while in reality its true value was much below those prices.

And your orators further show that their genuine ale is sold by their agents in Boston at prices ranging from one dollar & seventy five cents to two dollars per dozen pint bottles, and that the Defendant has been & is enabled to sell his said Spurious Ale at the

rators aforesaid (which much exceed its real value) only by reason of the resemblance between the bottles & packages in which he puts the same, & those of your Orators, and by reason of the reputation which their genuine Ale in their D. Bottles has gained & sustains in the market.

And your Orators further show that they are informed & believe, and therefore aver that the Defendant not content with counterfeiting the said Trade Marks of your Orators & so deceiving the public by selling the said Spurious Ale, has also put up & sold in Boston & elsewhere his said spurious ale in bottles bearing the genuine labels of your Orators, and has packed the same in your Orators' original casks, which bottles & casks, have been procured by the Defendant of some of the purchasers of the genuine ale, after their contents had been consumed. And your Orators aver that the Defendant has put corks into the bottles so procured by him, after he has filled the same with his Spurious ale, which corks he has branded in the manner before set forth in imitation of your Orators' private Trade mark.

And your Orators further show that neither they nor their agents, have ever sanctioned or permitted the use of their said Trade Marks or either of them by the Defendant or any other person or persons whatsoever; but on the contrary have requested the Defendant to desist from using the same, & they have never sold or consigned any of their genuine ale to the Defendant.

And your Orators further show that by the wrongful use by the Defendant of their said trademarks, they have sustained great loss & damage, not only by reason of the loss of sales of their said genuine ale, which they might & would otherwise have made, but also by the injury done to the reputation of their ale by reason of the sales by the Defendant to the public of his said spurious and inferior liquor called ale as & for the genuine ale of your Orators. And your Orators have thereby been hindered & prevented from selling their ale to persons who, but for the deceit of the Defendant, would have purchased the same.

All which acts & doings are contrary

to Equity and good conscience, and tend to the manifest wrong and injury of your Orators in the premises.

In consideration whereof and forasmuch as your Orators can have adequate relief in the premises only in a Court of Equity, —

To the end therefore that the said Defendant may, if he can, show cause why your Orators should not have the relief hereby prayed for, and may upon his corporal oath and according to the best and utmost of his knowledge, information, remembrance and belief, full true, direct & perfect answer make to each and every of the Interrogatories hereinafter numbered & set forth, that is to say

1 Whether the said Complainants have not used for many years past, & do not now use, the Trade marks set forth in this their Bill of Complaint.

2 Whether the Complainants have not for many years made & sold, & do not now make & sell Ale in bottles upon the corks of which have been & still are branded the words {Wm YOUNGER & Co. ABBEY BREWERY EDINBURGH} as is above set forth?

3 whether the Complainants have not for two years or more, & still do, put upon the bottles containing their genuine ale ~~the~~ a yellow label similar to the specimen affixed to their Bill of Complaint?

4 whether they have not for many years past, & do still, pack their ale in casks branded {W. YOUNGER / EDINBURGH} ~~as~~ & having a red tape & seal thereon as is above set forth

5 whether the Defendant has not been and is not now engaged in putting up & selling in Burton & elsewhere a liquor designated by him as Ale, as & for the genuine ale of your Orators ~~in bottles~~ but which was not so, in bottles prepared & marked or labeled in the manner set forth in this their Bill of Complaint?

6 whether the Defendant has not put corks into the bottles of liquor designated by him as Ale & sold by him as & for the genuine ale made by your Orators, but which was not so, marked or burnt with the words set forth in this Bill namely {Wm YOUNGER & CO. / ABBEY BREWERY / EDINBURGH} If yea for what length of time has he done so?

7 Whether the Defendant has not packed and sold Bottles so filled with liquid by him called Ale ~~& corked~~ in lieu of the genuine ale of your Orators, but which was not so, & corked & labeled by him in manner aforesaid in casks marked & sealed in the manner described in this Bill? If so, for what length of time has he done so?

8 Whether the Defendant has not sold ~~the~~ liquor called ale but not the genuine Ale made by your Complainants put by him into bottles which had been previously sold by the Complainants or their agents ~~filled~~ for consumption, after the said bottles had been emptied by consumers, which bottles had been originally filled with genuine ale made by your Orators.

9 Whether the liquor called ale by the Defendant & by him so as aforesaid put up and sold in bottles, labeled, corked & prepared, was or is not manufactured in the United States, & where the Defendant procured the same, & price or prices per barrel he paid therefor;

10 How many dozens of bottles of liquor called ale marked with the Complainants Trademarks as aforesaid, but not containing the genuine ale made by them, have been sold by the Defendant? and to whom have the same been sold? And at what price or prices per dozen.

DB The Defendant is required to state a true and accurate account of all the sales of the said article packed and marked as aforesaid & sold by him.

11 Whether the Defendant has upon his premises, or in his possession, or under his control any casks upon which are branded or marked the trade mark of the Complainant, as above set forth, or any similitude or imitation thereof, or any casks bearing the words "Wm Younger" or "Wm Younger & Co", or the words "Abbey Brewery"? And if so, how many casks bearing either of said words or marks, has he? which were not so branded by the Complainants

12 Whether the Defendant has in his possession or under his control, any casks or barrels marked or branded with the words "W. Younger Edinburgh", or "W. Younger", or "Younger"? & if so, how many such casks so marked has he, & by whom, or by whose direction which were not so marked by the Complainants

were the said words, or either of them put thereon.

13 Whether the Defendant has now in his possession any bottles, either containing ale, or empty, upon which put on by him or his agents as a label, of a yellow or other color, containing the words set forth or resembling in the specimen hereto affixed; & if so how many has he of each, viz, how many empty, and how many containing liquor?

14 Whether the Defendant has in his possession or under his control, any casks, or bottles bearing the Complainants' aforesaid genuine Trade marks, which bottles or casks the Defendant believes or has reason to believe were originally so labeled or marked by the Complainants, & from which the original contents have been extracted? If so, how many of such casks, and how many of such bottles has he? And of whom & where did he procure the same? & how much did he pay therefor?

And that the Defendant may answer the premises, and that an account may be taken of the number of bottles of said spurious ale not made by you

Orators, which have been packed and sold or consigned for sale by the Defendant in bottles or casks, having labels or marks upon them or upon the corks therein, in imitation of the aforesaid Trade marks of your Orators, or which he may now have in his possession or under his control, or that of his servants or agents; And that the Defendant may be decreed to pay over to your Orators all such gains and profits as he has derived, or might reasonably have derived from his illegal use of their said trade marks or either of them; And that he may be restrained by Injunction issuing from this Honorable Court from selling or consigning or shipping to any other place for sale, any ale, or liquor called ale, which was not manufactured by your Orators, contained in bottles or packed in casks, bearing thereon or upon the corks thereof, any of the aforesaid Trade marks of your Orators, or any labels in the similitude of the said labels used by your Orators; and that all such bottles and casks so marked and all corks so marked which may be now in his possession, or under his control

or that y his agents, may be destroyed or delivered up to your Orators; or that the said marks & labels may be completely erased & taken off from the said bottles, corks and casks; and that he may be further restrained from making or selling any labels resembling, or in imitation of the labels of your Orators, ~~and~~ or any corks marked with any of the aforesaid trade marks of your Orators, And that your Orators may have such further or other relief as the nature of this case may require, & to your Honors may seem meet.

May it please your Honors to grant unto your Orators not only a writ of Injunction Conformable with the prayer of this Bill, but also a writ of Subpoena directed to the said Robert Laird, commanding him to appear & answer unto this Bill of Complaint, and to do & receive what to your Honors shall seem meet.

C. P. Curtis of Counsel } C. P. Curtis Jr
Solicitor

143 Oct. T. 1853

In Equity

William Vermilye et als

vs

Robert Laird.

Bill of Complaint.

March 23d 1854.
C. C. U. S. Mass. Dist.
Filed in the Clerk's Office.
Attest. H. W. Fuller Clk.

Subpoena issued Returnable May Rules
to wit May 1st 1854.

Recorded
H. F. K

U.S.C. Court }
Mass. Dist. }

Wm Younger & Co in Eq
vs
Robert Laird

I Patrick Asklay of Boston Merchant, on oath depose & say that I am one of the firm of Wyman & Asklay, & that our firm are the sole Agents of the Pffs in Boston for the sale of Wm Younger & Co's Scotch ale that we have been their agents for that business for about six years, & that during that time we have never known of any other person in this city having ~~received~~ sold any of the said ale which they had not purchased from our firm. We moreover state that we received a letter from the Pffs recently informing us that they never had sent any ale to the said Laird.

I further depose & say that ever since our firm has acted as the Pffs' Agents their said ale has been put into bottles of a peculiar form similar to the specimen annexed marked "P.A. C.P.C. fr. U.S.C." & that upon each cork has been branded the words "Wm Younger & Co, Abbey Brewery Edinburgh"; that about two years ago

the Plaintiffs adopted as one of their trademarks, a ~~[illegible]~~ label exactly similar to the specimens in the Bill of the Complainants, & also similar to that on the bottle before mentioned upon which label are the words ~~[illegible]~~ Younger's ~~Edinburgh Ale~~ ~~Younger & Co.~~ Abbey Brewery ~~Edinburgh~~"

I further state the genuine ale of the Complts, is packed in casks & containing about 7 or 8 dozen pint bottles each, upon the head of the casks are branded the words "W. Younger Edinburgh" & over the top is a red tape fastened with a red seal bearing the device of a crown & the words "British Exports".

The aforesaid ale of the Complainants has & still does bear a very high reputation in the market, & much of it is sold to Apothecaries for retail.

The customary price has been from $1.62½ to $1.87½ per dozen pint bottles, & at the present time it is selling for $2.00 per dozen.

During the past month or six weeks I have heard reports injurious to the reputation of Younger's ale, & fearing that spurious imitations have come in the

market, I made inquiries, by which I was induced to believe that Robert Laird the present Defendant, who keeps an ale cellar in Hawley street Burton, was putting up American ale in a manner calculated to induce purchasers to believe that they were buying Younger's Scotch ale, in place of which they received American ale much inferior thereto,

~~For the purpose of testing the truth of these suspicions~~

I further learned by means of advertisements in newspapers, one of which I annex hereto, & by other circumstances that quantities of ale in casks had been & were then being sold from time to time at auction in the city of Burton, as & for bearing the marks & labels of "Younger's Edinburgh ale", which I had reason to suspect was not genuine Scotch ale.

For the purpose of testing the truth of these suspicions & to ascertain from what source such spurious ale emanated I sent an agent to the ale cellar of the Defendant Robert Laird in Hawley street Burton, to buy a cask of alleged "Younger's

ale". I further sent one Thomas Linton to the said Laird's cellar, & the said Linton brought to my store a cask which he stated he had procured from the said Laird.

The external appearance of said cask which is still in my store, is precisely similar to the genuine casks in which the complainants pack their ale. Upon the head is branded "W. Younger Edinburgh" & round the same is a red tape fastened by a red seal bearing the device of a Crown & the words "British Exports"

With the assistance of William Lawrence a bottler of great experience, I opened said cask & found therein bottles of the same size & appearance with the genuine bottles, having thereon yellow labels exactly similar to specimen annexed to the Pltff's Bill of Complaint, & precisely like the genuine labels of the Complainants, & having thereon the words "Younger's Edinburgh ale" ~~Wm Younger & Co.~~ Abbey Brewery ~~Edinburgh~~".

I drew the cork of one of said bottles & found thereon branded the words "Wm Younger & Co. Abbey Brewery Edinburgh" in a manner precisely similar to the

mark on the genuine corks used by the Complainants as their private trademark.

Being well acquainted with the genuine Younger ale, I tasted some of the contents of the said bottle, & found it to be filled with ~~American~~ ale, much inferior to the genuine Younger's ale, both in quality & value.

The tops of the said bottles, (one of which I hereto annex), were covered with tin foil after the manner in which the tops of the genuine bottles of the Complainants are covered.

The bottle, of the contents of which I tasted, together with the cork which I drew therefrom I produce & desire to annex to this affidavit; marked "P.A".

Patrick Arklay

I further state that I tasted some ale which I took from a bottle labeled & marked precisely as above stated, at the store of one Amos Cummings Grocer in Sumner street Boston, which ale was not Younger's ale, but much inferior thereto. Said ale was said by Mr. Cum=

mings to have been purchased by him of the said Robert Laird as & for Genuine Younger's ale. —

Patrick Arklay

Dist. of Mass: Ss: This fifteenth day of April 1854 personally appeared before me the above named P. Arklay & made oath that the matters & facts above stated are true so far as the same are stated on his own knowledge, & so far as they depend on information derived from others he believes them to be true. —

C. P. Curtis, Jr.
U.S. Comr

fee $1.00

mings to have been purchased by him of the said Robert Laird as for Genuine Younger's ale. —

Patrick Arklay

Dist. of Mass. ss: This fifteenth day of April 1854 personally appeared before me the above named P. Arklay & made oath that the matters & facts above stated are true so far as the same are stated on his own knowledge, & so far as they depend on information derived from others he believes them to be true. —

C. P. Curtis, Jr.
U.S. Com.r

Fee $1.00

1400 bbls No 1 large Mackerel,
100 " Shore No 1 "
100 " No 2 "
50 " large No 2 "
500 " No 3 "
1000 " No 4 "
25 tierces Salmon,
25 bbls large do.
1000 quintals Codfish,
500 " English do.
1000 boxes scaled Herring,
500 " No 1 "
500 " Magdalen scaled Herring.
Mackerel and Codfish packed in all sized packages, to suit every market. tf d23

PAINT OIL, TANNER'S OIL, ROSIN OIL AND BRIGHT VARNISH.

363 BBLS Paint Oil.
140 " Cheap Oil for Fire Proof Painting.
227 " Tanners' Oil.
100 " Oil for Cordage.
223 " Rosin Oil.
77 " Oil for Wool.
54 " Machinery Oil.
237 " Bright Varnish.
100 " Pitch.
2 tons Putty.
For sale by SAMUEL PAGE, 22 Chatham street.
Dec. 19, 1853. eptf d19

NEW BEEF, PORK, LARD AND HAMS.

4000 BBLS Chicago Mess Beef.
50 " Beef Tongues.
100 half bbls "
500 bbls Cincinnati Mess Pork.
300 " Prime Pork.
50 hhds Hams and Shoulders.
100 bbls Lard.
1000 kegs "
For sale by HARRISON FAY & CO. jan6

BY CLARK & SON.

STORE No 10 WATER STREET.

—Underwriter's Sale—

DAMAGED SUGAR AND MOLASSES.

Tomorrow, at 12 o'clock, at India wharf.

47 hhds and 200 barrels Cuba sugars—69 hhds molasses, damaged.

On Central wharf, immediately after.

103 hhds Cuba sugar—100 boxes brown do.

The above is part of the cargo of the bark Lysander, from Remedios and will be sold for account of whom it concerns.

ELEGANT AND FAST TROTTING MARE.

On Wednesday, at 12 o'clock, in Liberty square.

Will be sold to the highest bidder, the purchaser of Thursday not having complied with the terms of sale, an elegant clipped bay mare of the pure Morgan breed, was raised in New Hampshire, 6 years old, action easy and perfect, goes a clean square trot, neither over reaches or interferes, has a natural gait of 13 miles an hour on the road, has never been trained, but has been timed over the ice a mile in 2 45. She is perfectly fearless of music, guns or locomotives, never shies or starts at any object on the road, is tough and hardy, perfectly safe for a lady or child to drive, warranted sound and kind in any harness and is very superior under the saddle. May be seen and driven any time before the sale by applying to the Auctioneers.

CHOICE OLD SHERRY WINE AND SCOTCH ALE.

On Friday, at 11 o'clock, at office.

600 bottles superior old gold sherry wine, imported five years ago and has been three years in bottle and is the balance of the invoice sold some three months since and has been much admired for its purity and soundness by all who purchased at that time.

Also—50 casks beautiful Scotch ale, consisting of 10 casks Falkirk, pints, 7 doz in a cask—10 do Tennants do 7 do—10 do Muirs' do 8 do—10 do Youngers do 8 do—10 do Byass do 8 do.

An excellent opportunity is here presented for persons in want of choice wine, and all to supply themselves at moderate prices

Youngs v. Laird

affid.t of P. Arkley

April 20d 1854.
C. C. U. S. Mass. Dist.
Filed in the Clerk's Office.
Attest. A.W. Pullen Clk.

U.S.C. Court
Mass. Dist

Wm Younger & al in Eqs.
vs.
Robert Laird

I William L. Clark of Boston on oath depose & say that I am one of the firm of Clark & Son Auctioneers, Water street Boston, that our firm has received from Robert Laird of Hawley street Boston sundry lots of ale to be sold on his account, among which have been invoices of ale sent to us by him & labeled as ~~Com~~ "Younger & Co's Edinburgh Ale", which we have sold on his account.

I further declare that Messrs Wilson Fairbanks & Co. of Boston have purchased of us casks of the said ale marked "Wm Younger & Co. Edinburgh", which were sent to us by the said Robert Laird for sale, & were sold for him & on his account.

William L. Clark.

Dist. of Mass.
Boston April 12. 1854
Subscribed & sworn to
Before me
C.P. Curtis, Jr.
U.S. Comr

fee. 50

W. Younger Jr
vs
Robt Laird

Affidavit of W. L. Clark.

April 2d 1854.
C. C. U. S. Mass. Dist.
Filed in the Clerk's Office.
Attest. H. W. Fuller Clk.

U.S.C.C.
Mass. Dist.

Wm. Younger & Co
vs
Robt. Laird

I, Franklin D. Fairbanks of Boston, on oath depose & say that I am one of the firm of Wilson, Fairbanks & Co. doing business in Boston as wholesale druggists.

My firm is in the habit of keeping on hand a moderate quantity of Scotch Ale to supply the orders therefor which we receive from our customers out of the City.

On or about the 15th day of March 1884 I attended a sale by Auction of a quantity of Ale advertised by Messrs. Clark & Son in Boston, & purchased at said sale five casks of ale, purporting to be in part Younger's ale & in part Falkirk Ale. I think there were ~~three~~ two casks of seven & eight dozen bottles each of Youngers. I paid for the same at the rate of $1.30 per doz. pint bottles & took a bill of the same signed by Messrs Clark & Son, which bill is hereto annexed, marked "F.D.F."

The following words upon said bill were

added by my clerk, upon ascertaining that the contents of the casks were deficient or short. viz:

"Left 1 doz Younger 1.30
Sent in 2 casks.

2 casks Younger 7½ ea.
2 Y 8 ea.
3 F 7 ea."

The remaining words & figures are as originally given to me.—

One cask of the above ale marked "Younger No. was sent to Salem by my firm having been sold to a druggist in that City.

It was returned upon our hands as bearing the appearance of being Spurious, & the said ale is now in our possession at our store in Boston.

I opened one of the said casks & examined the contents.

The bottles were pint bottles & had upon them a yellow label bearing the words "~~No~~ Younger's ~~No~~ Edinburgh ale Abbey Brewery ~~Edinburgh~~"

I examined some of the Corks therein &

they were branded "Wm. Younger & Co
Abbey Brewery Edinburgh."
The casks in which the said ale
was packed were branded on the head
"W. Younger Edinburgh" & had a red
tape across the top fastened by a
red seal.

F. D. Fairbank

District of Massachusetts ss. This twelfth
day of April A.D. eighteen hundred
& fifty four personally appeared before me
the above named Fairbanks & made
oath that the matter & facts above
stated are true so far as the same
are stated on his own knowledge &
that so far as they are stated on the
information of others he believes them
to be true

1.19

Edw G Loring
Com nr

Boston, Mar 15 1854

Mess Wilson Fairbanks & Co.

Bought of CLARK & SON,

Office, No. 10 Water Street.

5 Casks Ale 37 doz @ 1.30 $48.10
Less 1 doz Younger 1.30
short in 2 Casks
46.80

2 Casks Younger 2 | 7 1/2 ea / 3. 8 ea
3 " 7 "
30 ct

Paid Clark & Son
Per C. P. Clark

F. D. F.

Youngen v. Laird

Affid.t of Fairbank

April 20.th 1854.
C. C. U. S. Mass. Dist.
Filed in the Clerk's Office.
Attest. H.W. Fuller Cl.

U.S. C. Court
Mass. Dist.

W. Younger Ho. sir Eg.
vs.
Robt. Laird

I William Lawrence of Boston, Bottler on oath say that my age is 62; that for thirty years I have been engaged in the business of bottling cider & wines, & during the last twelve or fifteen years I have been well acquainted with Scotch ale, American ale & other Malt liquors, & I am competent to distinguish by tasting between Scotch & American ales & also to determine their respective qualities. —

I further declare that by request of Messrs. Wyman & Arklay of Boston, I assisted in opening and examining a cask of ale at their store in Pearl st. on the 16th of Feby. 1854, which cask I was informed had been brought there by a teamster from one Robt. Laird's place of business. —

The said cask was branded on the head "W. Younger Edinburgh" & had thereon a red tape fastened by by red seals upon which was a crown & the words

"British Export". The said cask contained pint bottles of the same ~~generall~~ size & appearance as the one which I have marked "W L". "EM Wft" & is hereto annexed. Upon them were yellow labels bearing the words "~~Wm~~ Younger's ~~XX~~ Edinburgh ale Abbey Brewery ~~Edinburgh~~". similar to the label on the specimen annexed. I drew out the cork from one of sd. bottles & found thereon the words "Wm. Younger & Co. Abbey Brewery Edinburgh." —

I tasted the contents of sd. bottle & found it be filled with a medium quality of American ale.

I further state that on the 12th of April 1854 I examined a cask of ale in similar bottles at the store of Wilson, Fairbanks & Co. in Hanover st, Druggists, which cask was said to have been bought at Auction of Messrs. Clark & Son, Boston. When I saw it the head had been taken off; but I looked at its contents & found them bottles similar to the one annexed, & bearing yellow labels with the words "Wm. Younger & Co

Abbey Brewery Edinburgh" thereon. I opened one of said bottles & found upon the cork which was therein the same words "Wm Younger & Co Abbey Brewery Edinburgh". I tasted of its contents & found it to be American ale, different from the genuine Younger's Scotch ale with which I am well acquainted, & not worth so much as that.

Wm Lawrence

Subscribed & sworn to
this 12th day of April AD 1834
Before me,

E. Mercein
U.S. Commissioner

Fee $1.00

Younger v Laird

Affid.t of W. Lawrence

April 20th 1854.
C. C. U. S. Mass. Dist.
Filed in the Clerk's Office.
Attest. H W Fuller Clk.

U.S.C. Court
Mass: Dist.

Wm Younger & al. vs Eq.
vs.
Robt. Laird

I, Amos Cummings of Boston Suffolk on oath depose & say that I have purchased ale in bottles resembling in shape the bottle shown me marked "P.A." C.P.C.2" & bearing a label printed on yellow paper & bearing the words "Wm Younger's ~~Edinburgh~~ Abbey Brewery ~~Edinburgh~~", & having also corks therein branded with the ~~same~~ following words viz: "Wm Younger & Co Abbey Brewery Edinburgh".

I further state that I purchased the said ale of Robert Laird of Boston the Defendant, in consequence of his ~~having~~ coming to my store & bringing with him a sample bottle marked & labeled as aforesaid, & offered to supply me with Younger's ale. I bought several cases, three of the said Laird at ~~two~~ $1.37½ per dozen pint bottles which is considerably less than I can buy the genuine ale of that brand for.

Mr. Ackley, of the firm of Ackley &

Wyman tasted a portion of the contents of one of said bottles which I purchased of the said Laird & pronounced it spurious, since which I have not purchased of said Laird.

The casks in which Laird packed this ale which he sold me were exactly similar in general appearance & marks with the genuine casks of the Pfs.—

They had branded upon the head the words "W. Younger Edinburgh" & had a red tape fastened with a seal across the head, in manner resembling that ~~[illegible]~~ of the genuine casks of the Pfs.—

Amos Cummings

Mass. Dist. ss: April 17. 1854

Personally appeared the above named Amos Cummings & made oath that the above statements so far as within his own knowledge are true & so far as depends on information derived from others he believes them to be true

Before me

C. P. Curtis, Jr.

U. S. Comr.

Fee. $1.00

Younger v. Laird

Affidavit of A. Cummings

April 20 d 1854.
C. C. U. S. Mass. Dist.
Filed in the Clerk's Office.
Attest, H. P. Fuller Cl'k.

U.S. Circuit Court
Mass. Dist:

Wm. Younger & al
vs.
Robert Laird

I Thomas Linton of Boston teamster on oath declare that on or about the twelfth day of February last past, at the request of Messrs Nyman & Arklay of Boston, I went to Robert Laird's place of Business in Hawley street, & asked for a cask of Younger's Ale, for which I paid $12.50, & I took the said cask in my ~~wagon~~ hand cart & carried it to the store of Messrs Nyman & Arklay in Pearl street where I left it. The cask was marked W. Younger on the head & had a red string & seal on the head. —

While at Laird's cellar I asked for a drink of water. The person in the store said he had no water, but gave me some draught ale instead, which he drew from the counter. It was common draught ale. —

Subscribed & sworn to
Before me. April 20th 1854
Fee .50

Thomas Linton

C P Curtis Jr
U.S. Comr.

Younger v Laird

Affst y T. Linton

April 20th 1854.
C. C. U. S. Mass. Dist.
Filed in the Clerk's Office.
Attest. H. W. Fuller Clk.

United States of America.

Massachusetts District, } ss.

The President of the United States of America,

To the Marshal of our District of Massachusetts, or to either of his Deputies,

GREETING.

WE COMMAND YOU that you summon Robert Laird of Boston in the District of Massachusetts and a Citizen of the State of Massachusetts

(if he may be found in your precinct)

to appear before the Circuit Court of the United States, to be holden at Boston, within and for the Massachusetts District, on the twenty first day of April instant at ten o'clock, A. M., then and there to show cause, if any he ha why an Injunction should not issue against him as prayed for in the Bill of Complaint of William Younger, William Younger Junior and Andrew Smith All of Edinburgh, Scotland, in the United Kingdom of Great Britain and Ireland and Subjects of the Queen thereof, Aliens to the United States of America — Brewers, and Copartners doing Business in said Edinburgh under the firm of William Younger & Company

HEREOF FAIL NOT, and make due return of this Writ, with your doings thereon into our said Court.

Witness, *the Honorable* Roger B Taney

at Boston aforesaid, the eleventh *day of* April

in the year of our Lord one thousand eight hundred and fifty four

W. H. Fuller *Clerk.*

United States of America,
Massachusetts District, ss. } Boston April 11. 1852

Pursuant hereunto I have summoned the within named Laird by giving him in hand a true & attested Copy hereof

Watson Freeman } *United States Marshal,*
Massachusetts District.

Gr. $2
Cp 1
N 06
$3.06

400

IN EQUITY,

William Younger & als
vs.
Robert Laird

SUMMONS TO SHOW CAUSE,

Returnable April 25th 1854.

Up. C. C
Mass Dist

Munger et al in Eq
v
Laird

Complainants' costs.

Bill, summons & sub poena - Entry -	5.00
service of summons	3.06
" " subpoena	3.06
filing 17 papers	70
Commissioner's fees for affidavits	5.00
6 witnesses. att. & tr.	~~7.30~~ ?
Solicitor's fee	20.00
recording & docket Entries	6.00
Taxing & docket fee	3.00
Travel	2.64
Attendance	.66
	$49.12

Pff's cost.

Younger & Laird

Bill of Cost.

U. S. Circuit Court
Mass. Dist. Ss: Oct 7. 1853
To wit: May 1. 1854

Wm Younger & al
in Equity
vs
Robert Laird

On the reading of the Bill of Complaint in the above cause & the affidavits offered by the Complainants, ~~& duly considering the allegations & arguments of the Complainants~~ by consent of the Defendant,—

It is ordered, adjudged & decreed, ~~the Defendant consenting thereto~~, that the Defendant his Agents & servants be, & they & each of them are hereby ~~are & is~~ forever Enjoined not to sell any ale, or other malt liquor, contained in bottles or other vessels, bearing thereon the trademarks of the Complainants described & shown in their Bill of Complaint or having ~~[illegible]~~ thereon labels containing the words "Younger" or "Abbey Brewery" ~~them stamped stamped or printed~~, or having any such word or words impressed ~~or~~ burnt or stamped upon any cork ~~in-tained~~ of any such bottles, unless the said bottles shall actually contain the genuine ale of the Complainants manufactured by them, & by them marked & labeled as aforesaid.—

And it is further ordered & decreed that the said Defendant deliver up to the Complainants, all labels and corks marked as described in their bill, & that from all casks in his possession bearing the word "Younger" thereon, the said mark be entirely erased and removed.

By the Court

H. W. Fuller Clerk

We assent that the above may be entered this day

May 1. 1854

Hinds & Sitton

Attys for Deft

Younger v. Laird
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Decree

The Judge says
Correct Hand & Enter it
Oct. 7. 1853.

C. C. U. S. Map Dis.
May 1. 1854.

UNITED STATES OF AMERICA.

Massachusetts District, ss.

To Robert Laird of Boston in said District of Massachusetts, a citizen of the State of Massachusetts.

GREETING.

FOR CERTAIN CAUSES, offered before the Circuit Court of the United States of America, for the first Circuit, within and for the Massachusetts District, as a Court of Chancery, WE COMMAND AND STRICTLY ENJOIN YOU, laying all other matters aside, and notwithstanding any excuse, that you personally be and appear before our said Circuit Court, at the Rules, to be holden at the Office of the Clerk of our said Court, in Boston, in said District, on the first Monday, being the first day of May next, to answer concerning those things, which shall then and there be objected against you by William Younger, William Younger Junior and Andrew Smith all of Edinburgh, Scotland in the United Kingdom of Great Britain and Ireland and Subjects of Queen Victoria, Queen of Great Britain & Ireland, Aliens to the United States of America and each and every of the States and Counties thereof, Brewers, and Copartners doing business in said Edinburgh under the firm of William Younger & Company -

and to do further and receive that which our said Curcuit Court shall consider in this behalf. And this you are in no wise to omit, under the penalty of one thousand dollars ——— And have you there this writ.

Witness, the Honorable Roger B. Taney *at Boston, this* twenty third *day of* March *A. D.* 1854, *in the seventy* eighth — *year of the Independence of the United States of America.*

A. W. Fuller *Clerk.*

MEMORANDUM. The defendant is to enter his appearance in the suit in the Clerk's Office on or before the day at which the writ is returnable, otherwise the bill may be taken pro confesso.

United States of America, } Boston March 24th 1854.
MASSACHUSETTS DISTRICT, SS.

I hereby certify, that I have notified the within named Laird by giving to him in hand a true & attested copy hereof

Fr $2 —
Cop 1 —
Trav .06
$ 3.06

H. Riley } Dep: U.S. Marshal Mass: Dist:

United States
Marshal.

In Equity,

William Younger & als
VERSUS
Robert Laird

SUBPŒNA,

RETURNABLE, May RULES,
To wit, May 1st 1854